276 It is expensive Aden and
435 it has been calculated that Qāt costs the addicts in the Colony £2,500,000 a year.

276 The Unofficial Members were not concerned primarily
434 with the effect of the drug on the constitutions of the addicts, but with the economic aspect of the problem. The majority of those who use Qāt are in the lower wage brackets and cannot really afford to buy Qāt without seriously neglecting their
648 family responsibilities. After much careful thought the Asiatic
• 671 Unofficial Members tabled a motion in the Legislative Council at the beginning of 1957 calling on the Aden Government to take action to prohibit the entry of Qāt into the Colony. The motion was not opposed and in due course action was taken
548 and Qāt was prohibited. However, the Aden Government has
648 no control over the States of the Protectorate and the Sultan of Lahej, through whose territory Qāt from the Yemen and from Dhala must pass to reach the Colony, was unwilling to co-operate with the Aden Authorities. Not only did he place no restriction on the movement of Yemen and Dhala Qāt through his territory but he allowed Qāt from Ethiopia, brought by launch and sailing craft from Djibouti in French Somaliland to which place it had been flown from Ethiopia, to be landed on his coast and taken to Dar Saad on the Colony boundary and other places in his territory. The immediate consequence of the Sultan's action was to turn the village of Dar Saad into one vast Qāt chewing den to which resorted all the citizens of Aden who used the stuff and could afford the transport. Why the Sultan did this dis-service to the Colony is hard to say. He may have been unwilling to annoy the Yemen Government, fearing retaliation along his frontier with that country, or he may have thought that action by him to prohibit Qāt from passing through his territory would result in the Imam closing the frontier, as he has done on more than one occasion in the past, with a consequent loss of revenue to the State from road tolls. On the other hand, he may have felt that the order of prohibition was an unjustified infringement of the liberty of the subject to which he could not subscribe, and was not prepared therefore to do anything to interrupt the supply from any source. Whatever were his reasons the result

1 [i.e., Qāt. - Analyst]

2: Hickinbotham G-4, 5 (ca. 1931-ca. 1957)
1958 MM1 Aden MM1

of his refusal to co-operate was to make nonsense of the Aden Government prohibition order.

Four months after the ban was imposed some of the Asiatic Unofficial Members of the Legislative Council had second thoughts and introduced a Motion in the Council to set up a Commission to inquire into the effectiveness of the ban and make a recommendation whether or not it should continue in force. The Commission was duly appointed and has recently produced its recommendations after hearing and receiving evidence from all conditions of people. They have recommended that the prohibition order be rescinded. Personally I regret their decision. I would have preferred to see the ban remain in force with some provision for the supply of limited and diminishing quantities of Qāt to confirmed addicts whose health would be adversely affected by total deprivation. I am sure that the Commission considered this solution but there were probably practical difficulties.

In May of this year following on two bomb-throwing incidents in which twelve people were injured in one of the main centres of population in the Colony, the Governor declared a state of emergency. The purpose of the Governor's proclamation was to provide the police with additional powers under emergency regulations to prevent such acts of violence and to protect the lives and property of the public. Since the declaration of a state of emergency there have been several further incidents; mostly of no consequence, but one, an attempt, fortunately unsuccessful, to blow up the oil pipe-line connecting the Refinery at Bureikha with the bunkering installation at Steamer Point, was more serious. This is indeed a sorry state of affairs and the firm action of the Authorities is more than justified. It is to be hoped that they will have the full co-operation of the public in their efforts to prevent further outrages and to bring the perpetrators of those that have taken place to justice. I have no doubt that the inspiration for these crimes came from outside the Colony and, indeed, outside the Protectorate, though the tools may have been found nearer at hand. I am convinced that this is the work of hired assassins and I should be very surprised to learn that any

3:Gt. Brit., Colonial Office G-3 (1938) 1940 MM1 Aden MM1

appeal is Rs. 10,000 or upwards, provided that, in case the judgment appealed from affirms the decision of the Supreme Court, the second appeal involves some substantial question of law; and 692 695 681

(*b*) at the discretion of the High Court, from any other judgment, whether final or interlocutory, if in the opinion of the High Court, the question involved in the second appeal is one of great general or public importance.

The Supreme Court is presided over by a Chief Justice. It is the only Court of Appeal in the Colony, and also has powers of revision. 692

The other Civil Courts in the Colony are:—

(1) The Court of the Registrar, and

(2) The Court of Small Causes.

The Registrar of the Supreme Court is the Judge of both these Courts.

The jurisdiction of the Court of the Registrar extends to all original suits wherein the value of the claim does not exceed Rs. 1,000; but certain suits of a prescribed nature are excluded from the jurisdiction of the Court, e.g.—

Suits concerning acts or orders done or made by officers of Government in their official capacity;

Suits for specific performance or rescission of a contract, rectification or cancellation of an instrument, or an injunction;

Suits relating to a trust;

Suits upon foreign judgments;

Suits for a general average loss or salvage, or compensation in respect of collision between ships;

Suits for restitution of conjugal rights, divorce, or the custody of a minor.

The Court of Small Causes has jurisdiction, save as regards certain suits excepted from its cognizance, provided the value of the subject-matter does not exceed Rs. 500.

An appeal lies to the Supreme Court from every decree passed by the Court of the Registrar and from every decree passed by the Court of Small Causes provided that the value of the claim exceeds Rs. 50.

Subject to the provisions of any Statute in force in England which expressly applies in the Colony or has been extended thereto by Order in Council and of any enactment for the time being in force in the Colony, and so far as the said Statute or enactment shall not extend or apply the Civil Courts in the Colony exercise their jurisdiction in conformity with usage, and, in the absence of usage in conformity with the substance of the common law, the doctrines of equity, and the Statutes of general application in force in England on 1st of April, 1937. The common law, doctrines of equity and 671 692

3 Gt. Brit., Colonial Office G-3 (1938) 1940 MMI Aden MMI

671 692 Statutes of general application are applied so far only as the circumstances of the Colony and its inhabitants permit and subject to such qualifications as local circumstances may render necessary. In particular, the personal law of Mohamedans, Hindus, Jews and Parsees are applied, save in so far as that law has been expressly superseded by legislation, in matters of marriage, divorce, guardianship, inheritance, etc.

The enactments in force in the Colony on the 31st December, 1938, include sixty-three Ordinances, thirty-eight of which were enacted during the period under review, and all Indian and Bombay Acts and Regulations in force in the Colony on 31st March, 1937, not expressly repealed thereafter.

692 The Supreme Court is the only Criminal Court having power to pass a sentence of imprisonment exceeding two years or fine exceeding one thousand rupees. All trials in the Supreme Court are by jury. In the case of Europeans and Americans, the majority of the jurors must be Europeans or Americans. The other Criminal Courts of the Colony are those of—

(1) The Chief Magistrate,

(2) The Divisional Magistrates at Tawahi, Crater, Sheikh Othman and Perim.

An appeal lies to the Supreme Court in all cases in which a sentence of imprisonment exceeding one month or of fine exceeding Rs. 50 has been passed. The Supreme Court has also powers of revision.

695 681 No sentence of death can be passed on a pregnant woman or a youthful offender. Save in exceptional cases, a youthful offender is dealt with—

(1) by placing him on probation, or

(2) by discharging him after due admonition, or

(3) by delivering him to his parent, guardian or relative, who has executed a bond for his good behaviour, or

(4) by a fine, or

(5) by whipping, or

(6) by ordering his detention.

691 There is a considerable amount of petty civil litigation in the Colony. During the period under review, 59 suits of value Rs. 1,55,304-5-2 were filed in the Supreme Court, 315 suits of value Rs. 45,061-15-9 in the Court of the Registrar and 1,525 suits of value Rs. 58,272-7-1 in the Court of Small Causes. 37, including seven of previous years' suits of value Rs. 99,827-13-0 were disposed of by the Supreme Court, 265 suits of value Rs. 31,747-5-9 by the Court of the Registrar, and 1,376 suits of value Rs. 49,439-7-7 by the Court of Small Causes. 28 applications for revision were filed and 43 appeals lodged in the Supreme Court which disposed of 28 such applications and 35 appeals. The miscellaneous proceedings in the Supreme Court included 46 applications concerning guardianship matters, 13 applications for succession certificate, and 52

2-Gt. Brit. Colonial Office G-3 (1938) 1940 MMI Aden MMI

Prisons

The Aden District Prison is located in the Crater.

The chief industries of the jail at present are: (1) cane work of all sorts, (2) manufacture of tennis, hockey and football nets, (3) restringing of tennis racquets and (4) breaking of stone metal.

The permanent staff of the prison consists of a Superintendent, a Jailor, a Head Clerk, a Subordinate Medical Service Officer, a Jamadar, a Quartermaster Havildar, two Lance Naiks and twelve sepoys. Two temporary wardresses are employed whenever female prisoners are admitted, one for day and one for night duty.

All members of the permanent staff are provided with free quarters close to the jail premises, with the exception of the Superintendent and the Subordinate Medical Service Officer.

Official and non-official visitors appointed under the prison rules visit the jail once a week in rotation and hold a combined inspection once a quarter.

There is an Advisory Committee consisting of a President, two officials and two non-official members, which meets every six months to review sentence of long-term prisoners (five years and upwards). One meeting of the Advisory Board was held during the year but there were no cases of long-term prisoners eligible for the review of their sentences.

XIV.—LEGISLATION

The enactments in force in the Colony on 31st December, 1938, include sixty-three ordinances, thirty-eight of which were enacted during the year under review as under:—

1. 1937/38 Appropriation Ordinance, 1938.
2. Probates (Re-sealing) Ordinance, 1938.
3. Lighting Control Ordinance, 1938.
4. Passports Fees Ordinance, 1938.
5. Aden Income Tax (Amendment) Ordinance, 1938.
6. Criminal Courts (Amendment) Ordinance, 1938.
7. Oaths Ordinance, 1938.
8. Customs Ordinance, 1938.
9. Succession Ordinance, 1938.
10. Medical Practitioners Ordinance, 1938.
11. Arms Ordinance, 1938.
12. Registration Ordinance, 1938.
13. Lunacy Ordinance, 1938.
14. Advertisements Ordinance, 1938.
15. Insolvency Ordinance, 1938.
16. Aden Port Trust Act (Amendment) Ordinance, 1938.
17. Supreme Court (Amendment) Ordinance, 1938.
18. Maintenance Orders Enforcement Ordinance, 1938.
19. Salt Ordinance, 1938.
20. Employment of Women, Young Persons and Children Ordinance, 1938.

3:Gt. Brit. . Colonial Office G-3 (1938) 1940 MMI Aden MMI

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21. Factories Ordinance, 1938.
22. Fisheries Ordinance, 1938.
23. Parsi Marriage and Divorce Ordinance, 1938.
24. Partition Ordinance, 1938.
25. Vaccination Ordinance, 1938.
26. Divorce Ordinance, 1938.
27. Aden Settlement (Amendment) Ordinance, 1938.
28. Excise (Amendment) Ordinance, 1938.
29. Petroleum (Amendment) Ordinance, 1938.
30. Stamps (Amendment) Ordinance, 1938.
31. 1937/38 (Supplementary) Appropriation Ordinance, 1938.
32. 1938/39 Appropriation Ordinance, 1938.
33. Police (Amendment) Ordinance, 1938.
34. Commissions of Enquiry Ordinance, 1938.
35. Registration of United Kingdom Patents Ordinance, 1938.
36. United Kingdom Designs (Protection) Ordinance, 1938.
37. Sale of Goods Ordinance, 1938.
38. Contract Ordinance, 1938.

Subsidiary Legislation during 1938.

Aden Settlement Regulation, VII of 1900—Rents in respect of Dhobiwadas.

Aden Settlement Regulation, VII of 1900—Amendment of Rule 3 of Aden Settlement Rules.

Aden Settlement Regulation, VII of 1900—Rules 287 (*b*), 288–293, 299 and 302 of Aden Settlement Rules.

Aden Settlement Regulation, VII of 1900—Rule 164 of Aden Settlement Rules.

Aden Settlement Regulation, VII of 1900—Rule 17 of Aden Settlement Rules.

Aden Settlement Regulation, VII of 1900—Rents for stalls for sale of hut.

Aden Settlement Regulation, VII of 1900—Aden Settlement (Aircraft and Infectious Diseases) Rules, 1938.

Aircraft—Notice to ports of aircraft.

Aircraft—Rules under section 8A of the Indian Aircraft (Amendment) Act, 22 of 1934, rescinded.

Arms Ordinance, 1938—Arms Rules, 1938.

Arms Ordinance, 1938—Notifications establishing searching posts on boundary of Colony rescinded.

Arms Ordinance, 1938—Date of Commencement.

Civil Courts Ordinance, 1937—Rules for obtaining evidence and serving process for Foreign Tribunals, 1938.

Customs Ordinance, 1938—Date of Commencement.

Customs Ordinance, 1938—Customs (Protectorate Arms Traffic) Rules, 1938.

Customs Ordinance, 1938—Schedule B. Prohibition of import of certain goods, etc.

Customs Ordinance, 1938—Schedule B—Export by sea, air, or land of certain articles prohibited.

Dangerous Drugs and Poisons Ordinance, 1937—Rules and notifications rescinded.

Employment of Women, Young Persons and Children Ordinance, 1938—Date of Commencement.

Excise Ordinance, 1937—Rules and notifications rescinded.

Excise Ordinance, 1937—Reduction of rate of duty on perfumed spirits.

Excise Ordinance, 1937—Prohibition of possession of ganja by persons under 21 years of age.

3:Gt. Brit. . Colonial Office G-3 (1938) 1940 MM1 Aden MM1

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Excise Ordinance, 1937—Third Schedule. Importation of foreign liquor by foreign Consular Officer de carriere.

Factories Ordinance, 1938—Factories (Oil Bunkering Exemption) Rules, 1938.

Factories Ordinance, 1938—Date of Commencement.

Factories (Oil Bunkering Exemption Rules, 1938).

Factories (Oil Bunkering Exemption Rules, 1938)—Date of Commencement.

Fisheries Ordinance, 1938—Fisheries Rules.

Motor Vehicles Act, VIII of 1914—Rule 23 (1). Speed limit.

Motor Vehicles Act, VIII of 1914—Rule 8. Proviso—Refund of fee paid for registration or renewal of registration.

Passport Fees Ordinance, 1938—Fees for issue and renewal of passports.

Ports Act, XV of 1908—Rule 55 sub-Rule (4) of Aden Port Rules—Investigation into accident between launches and boats.

Ports Act, XV of 1908—Rule 21A of Aden Port Rules—Boundaries of Area A.

Post Office—Rates of postage for Empire and foreign postal articles from 18th September, 1938.

Rules of Court—Rules for obtaining and serving process for Foreign Tribunals, 1938.

Salt Ordinance, 1938—Salt Rules, 1938.

The Indian Workmen's Compensation is still in force in the Colony.

There is no legislative provision for health insurance, old age pensions, etc., in the Colony.

XV.—BANKING, CURRENCY AND WEIGHTS AND MEASURES

Banking

453

The National Bank of India, Limited, is established in the Colony with its chief office in the Crater and a branch at Steamer Point. The commercial firm of Messrs. Cowasjee Dinshaw and Brothers also carries on the business of banking.

Currency

456

The monetary unit is the Indian rupee (silver) and is legal tender for any amount. The subsidiary Indian coins are :—

Silver—
- Half rupee.
- Quarter rupee.

Nickel—
- Four anna piece.
- Two anna piece.
- One anna piece.

Bronze—
- Single pice (½ anna).
- One pie piece (1-12th anna).

4-Gt. Brit., Colonial Office G-3 (1937) 1939 MM1 Aden MM1

692 suits for a general average loss or salvage, or compensation in respect of collision between ships;

suits for restitution of conjugal rights, divorce, or the custody of a minor.

The Court of Small Causes has jurisdiction, save as regards certain suits excepted from its cognizance, provided the value of the subject matter does not exceed Rs.500.

An appeal lies to the Supreme Court from every decree passed by the Court of the Registrar and from every decree passed by the Court of Small Causes provided that the value of the claim exceeds Rs.50.

Subject to the provisions of any Statute in force in England which expressly applies in the Colony or has been extended thereto by Order in Council and of any enactment for the time being in force in the Colony, and so far as the said Statute or enactment shall not extend or apply, the Civil Courts in the Colony exercise their jurisdiction in conformity with usage, and, in the absence of usage, in conformity with the substance of the common law, the doctrines of equity, and the Statutes of general application in force in England on the 1st April, 1937.

671 692 The common law, doctrines of equity and Statutes of general application are applied so far only as the circumstances of the Colony and its inhabitants permit and subject to such qualifications as local circumstances may render necessary. In particular, the personal laws of Mohammedans, Hindus, Jews and Parsees are applied, save in so far as these laws have been expressly superseded by legislation, in matters of marriage, divorce, guardianship, inheritance, etc.

671 The enactments in force in the Colony on the 31st December, 1937, include twenty-five Ordinances enacted during the period under review and all Indian and Bombay Acts and Regulations in force in the Colony on the 31st March, 1937, not expressly repealed thereafter.

692 The Supreme Court is the only Criminal Court having power to pass a sentence of imprisonment exceeding two years or fine exceeding one thousand rupees. All trials in the Supreme Court are by jury. In the case of Europeans and Americans, the majority of the jurors must be Europeans or Americans. The other Criminal Courts of the Colony are those of—

(1) the Chief Magistrate,

(2) Divisional Magistrates at Tawahi, Crater, Sheikh Othman and Perim.

An appeal lies to the Supreme Court in all cases in which a sentence of imprisonment exceeding one month or of fine exceeding Rs.50 has been passed. The Supreme Court has also powers of revision.

4:Gt. Brit., Colonial Office G-3 (1937) 1939 MM1 Aden MM1

XIV.—LEGISLATION.

671 Twenty-five Ordinances were enacted between the inception of the Colony on the 1st April, 1937, and the close of the year. The most important of these were the following:—

General Clauses Acts (Adaptation). This Ordinance provided the necessary new terminology, etc., for carrying on the Indian and Bombay Acts in force before the birth of the Colony.

Interpretation and General Clauses. On the usual Colonial model.

Criminal Courts Ordinance, modelled on the Indian Criminal Procedure Code, with provision for jury trials in the Supreme Court, with appeals to the High Court of Bombay under the Aden Colony Order, 1936.

Income Tax, following closely the repealed Indian Income Tax Acts.

Civil Courts Ordinance, adapting, with little change, the Indian Code of Civil Procedure for the continuance of the Supreme Court, Registrar's and Small Causes Courts.

Stamp Ordinance, following closely the Indian Stamp Act.

Limitation, following the Indian Limitation Act.

Court Fees, continuing the former fees as varied under Bombay.

Guardians and Wards, following the Indian Guardian and Wards Act, but with larger discretion to the Judge in the interests of the minor.

Pensions, on the usual Colonial Model.

Police, adapting the Bombay Police Law.

Prisons, closely following the repealed Indian Acts.

Excise, a short and simple adaptation of the Bombay Abkari Act. Aden being a free port, liquor is one of the few excisable articles.

Dangerous Drugs and Poisons, a short law in Colonial form superseding the Indian Acts and Opium Act.

Subsidiary Legislation during 1937.

Civil Courts Rules, containing the less important provisions of the Indian Civil Procedure Code.

Excise Rules, replacing all the rules under the repealed Bombay Akbari Act.

Dangerous Drugs and Poisons Rules, replacing the Dangerous Drugs, Poisons and Bombay Opium Rules.

466 The Indian Workmen's Compensation and Factories Acts are still in force in the Colony.

657 There is no legislative provision for health insurance, old age pensions, etc., in the Colony.

XV.—BANKING, CURRENCY, AND WEIGHTS AND MEASURES.

Banking.

453 The National Bank of India Limited is established in the Colony with its chief office in the Crater and a branch at Steamer Point. The commercial firm of Messrs. Cowasjee Dinshaw and Brothers also carries on the business of banking.

5:Gt. Brit., Colonial Office G-3 (1947) 1949 MM1 Aden MM1

(*a*) as of right, from any final judgment of the High Court, when the value of the subject-matter in dispute in such second appeal is Rs. 10,000 or upwards, provided that, in case the judgment appealed from affirms the decision of the Supreme Court, the second appeal involves some substantial question of law; and

(*b*) at the discretion of the High Court, from any other judgment, whether final or interlocutory, if in the opinion of the High Court the question involved in the second appeal is one of great general or public importance.

The Supreme Court is presided over by a Judge of the Supreme Court. It is the only Court of Appeal in the Colony, and also has powers of revision.

The other Civil Court in the Colony is the Court of Small Causes, presided over by the Registrar of the Supreme Court, who is *ex officio* the Judge of the Court of Small Causes and is also the Chief Magistrate. Provision is also made for the appointment of an additional Judge of the Court of Small Causes. In practice the Chief Magistrate and one of the other magistrates sit separately as Judge or additional Judge of the Court of Small Causes.

The Court of Small Causes has jurisdiction, save as regards certain suits excepted from its cognizance, if the value of the subject-matter does not exceed Rs. 500. An appeal lies to the Supreme Court from every decree passed by the Court of Small Causes provided that the value of the claim exceeds Rs. 50.

Subject to the provisions of any statute in force in England expressly applied to the Colony, or which has been extended thereto by Order in Council, and of any enactment for the time being in force in the Colony, and so far as the said statute or enactment does not extend or apply, the civil courts in the Colony exercise their jurisdiction in conformity with usage, and in the absence of usage in conformity with the substance of the common law, the doctrines of equity and statutes of general application in force in England on 1st April, 1937. The common law, doctrines of equity and statutes of general application are applied so far only as the circumstances of the Colony and its inhabitants permit and subject to such qualifications as local circumstances may render necessary. In particular, the personal law of Mohammedans, Hindus, Jews and Parsees is applied, save in so far as that law has been expressly superseded by legislation, in matters of marriage, divorce, guardianship, inheritance and certain other matters.

On both the civil and criminal sides the procedure of the Courts is governed by ordinances which are based on Indian models.

The Supreme Court is the only criminal court having power to pass a sentence of imprisonment for a term exceeding two years or fine exceeding Rs. 1,000. All criminal trials in the Supreme Court are by jury. In the case of Europeans and Americans the majority of the jurors must be Europeans or Americans.

There are three magistrates, including the Chief Magistrate, who

6:Gt. Brit., Colonial Office G-3 (1948) 1950 MM1 Aden MM1

695 wise, the Court is satisfied that leave to appeal ought to be granted;

(*c*) with the leave of the Court of Appeal where the Supreme Court has refused to give leave to appeal under paragraph (*b*) of this sub-section and the Court of Appeal considers that leave to appeal ought to be granted.

2. The Governor in Council may by Rules prescribe, or enable Rules of Court to be made prescribing the imposition upon rights of appeal of conditions as to the giving of security or otherwise.

A second appeal lies to His Majesty in Council in certain cases.

692 The Supreme Court is presided over by a judge of the Supreme Court. It is the only Court of Appeal in the Colony, and also has powers of revision.

The other Civil Court in the Colony is the Court of Small Causes, presided over by the Registrar of the Supreme Court who is *ex officio* the Judge of the Court of Small Causes and also the Chief Magistrate. Provision is also made for the appointment of an additional Judge of the Court of Small Causes. In practice the Chief Magistrate and one of the other Magistrates sit separately as Judge and Additional Judge of the Court of Small Causes.

The Court of Small Causes has jurisdiction, save as regards certain suits excepted from its cognizance, if the value of the subject matter does not exceed Rupees 500. An appeal lies to the Supreme Court from every decree passed by the Court of Small Causes provided that the value of the claim exceeds Rupees 50.

Subject to the provisions of any statute in force in England expressly applied to the Colony or which has been extended thereto by Order-in-Council and of any enactment for the time being in force in the Colony and so far as the said statute or enactment does extend or apply, the civil courts in the Colony exercise their jurisdiction in conformity with usage, and in the absence of usage, in conformity with the substance of the common law, the doctrines of equity, and statutes of general application in force in England on 1st April, 1937. The common law, doctrines of equity and statutes of general application are applied so far only as the circumstances of the Colony and its inhabitants permit and subject to such qualifications as local circumstances may render necessary. In particular the personal law of Mohammedans, Hindus, Jews and Parsis is applied, save in so far as that law has been expressly superseded by legislation, in matters of marriage, divorce, guardianship, inheritance and certain other matters.

• [671] On both the civil and criminal sides the procedure of the Courts is governed by Ordinances which are based on Indian models.

The Supreme Court is the only criminal court having power to pass a sentence of imprisonment for a term exceeding two years or fine exceeding Rs. 1,000. All criminal trials in the Supreme Court are by jury. In the case of Europeans and Americans, the majority of the jurors must be Europeans or Americans.

T: Gt. Brit., Colonial Office G-3 (1949-50) 1951 MM1 Aden mm1

746 *Aden Central Poor Relief Fund*

657

Total paid out in 1950	Rs. 48,652
Total persons assisted (not counting dependants)	833
Average monthly relief per recipient (not counting dependants)	Rs. 5
Number of dependants per recipient ..	5
New recipients admitted during the year ..	73
Applicants on waiting list at 31/12/1950 ..	594

747 *Voluntary Societies and Services in Aden* (not including private charities or Church Missions):

Girl Guides' Association.
Ladies' Child Welfare Committee.
King Edward VII Dispensary.
Association for the Prevention of Tuberculosis.
Aden Central Poor Relief Committee.
St. John Ambulance Association.
Aden Sports Association.
Aden Boy Scouts' Association.
Aden Women's Voluntary Service.
Students Aid Society.
Sheikh Othman Children's Milk Scheme.

Chapter 8: Legislation

1949

671 During the year the Revised Edition of the Laws was brought into force. It contains the Ordinances in force on 1st January, 1946, the delay in publication was due to the delay in printing and the time taken in indexing.

During the year 17 Ordinances were enacted of which the following were the more important:

651 The Income Tax (Amendment) Ordinance, which provides for increased rates of super-tax.

671 The Income Tax (Amendment) (No. 2) Ordinance, which amongst numerous amendments, places an obligation on a person within the assessable limits to submit an income tax return whether specially required to do so or not. It further enables the Income Tax Officer to obtain information from a bank as to whether a person has an account there, it requires the keeping of proper books by persons engaged in business, and it allows the Income Tax Officer to specify the language in which books shall be kept.

167 The Immigration (Amendment) Ordinance, the principal amendment
671 in which enables the Governor in Council to make rules prescribing the conditions under which persons may be permitted to enter the

7: Gt. Brit., Colonial Office G-3 (1949-50) 1951 MM1 Aden MM1

Colony, and in particular to prohibit entry without a permit. Previously there was virtually no power to control immigration into the Colony. 167 671

The Official Secrets Ordinance, which replaces the Indian Official Secrets Act of 1923, and is based on the provisions of the United Kingdom Official Secrets Acts of 1911 and 1920.

The Registration of Clubs Ordinance, which provides for the compulsory registration of "clubs," as widely defined in the Ordinance. It empowers the Registrar, subject to confirmation by the Governor in Council, to refuse registration in any particular instance, and enables the Governor in Council to cancel the registration of a club. 575 671

The Civil Courts (Amendment) Ordinance, which provides for the setting-up of a District Court with power to hear proceedings of a civil nature (with certain exceptions) of a value below Rs. 2,000. For staff reasons, the Court has not yet been formed. 698 671

1950

In 1950 23 Ordinances were enacted of which the following were the more important : 671

The Police (Amendment) Ordinance, which enables the Commissioner of Police, with the approval of the Governor in Council, to appoint special police officers. Previously such officers could only be appointed by a magistrate when a disturbance had actually arisen or was apprehended. This gave little time for organisation or training ; special police may now be organised at any time for use should an emergency arise. The Ordinance also prohibits the wearing of uniforms in connection with political organisations or objects, and further prohibits the formation of quasi-military organisations. 625

The Registration of Persons Ordinance, which provides for the registration of all persons lawfully resident in the Colony at the time registration comes into force, and the issue to them of identity cards. The Ordinance is intended to supplement the new immigration control, under which all persons entering the Colony will be required to have a permit or pass. Registration has not yet been brought into force. 671 641

The Consular Conventions Ordinance, which confers certain powers and privileges upon the Consular Officers of foreign states with which Consular Conventions have been concluded by His Majesty's Government. 671

The Pensions Ordinance, which repeals and replaces the Pensions Ordinance, Cap. 102, and the Pensions (Subordinate Officers) Ordinance, Cap. 103, and is therefore applicable to all pensionable officers of whatever grade. It also incorporates provisions to implement the revised conditions of service in so far as the latter relates to pensions or to gratuities.

The Workmen's Compensation (Amendment) Ordinance, which increases the compensation payable in cases of permanent incapacity from 42 to 48 months' earnings. It also places an obligation on an employer to give notice to the Labour and Welfare Officer of any injury which a workman may suffer in the course of his employment. 671 466

7: Gt. Brit., Colonial Office G-3 (1949-50) 1951 MM1 Aden MM1

671 The Exchange Control Ordinance, which supersedes the Defence (Finance) Regulations, 1941. It follows the United Kingdom Exchange Control Act of 1947.

Chapter 9: Law and Order

JUSTICE

692 Aden Colony has a Supreme Court with unlimited civil and criminal jurisdiction presided over by a Judge of the Supreme Court. There are subordinate Civil and Criminal Courts. Subordinate civil business is transacted by the Court of Small Causes. In addition, there are Magistrates' Courts which hold sessions at Crater, Tawahi and Sheikh Othman. The Registrar of the Supreme Court is the Chief Magistrate.

The Supreme Court enjoys both an original and an appellate jurisdiction, appeal lying from the Court of Small Causes in civil matters and from the Magistrates' Courts in criminal matters.

From the Supreme Court, exercising its original jurisdiction, there is an appeal, in certain circumstances, to the Court of Appeal for Eastern Africa, provided that, in civil matters, the claim is in respect of a sum of Rs. 2,000 or upwards.

In May, 1949, the acting Judge proceeded into the Western Aden Protectorate in order to try a case of murder. This was the first occasion on which a Judge of the Supreme Court has sat outside the boundaries of the Colony.

During 1950 the Judge of the Supreme Court was invited twice to sit on the Court of Appeal for Eastern Africa at Nairobi and Dares Salaam.

695 The following criminal cases were heard by the Supreme Court :
682 1949 :

Charge :	*Result :*
Murder	Convicted of culpable homicide and sentenced to 15 months rigorous imprisonment.
Culpable homicide ..	Convicted of simple hurt and sentenced to one day simple imprisonment.
Murder	Convicted and executed after appeal to the Privy Council had been dismissed.
Murder	Convicted ; on appeal to the East African Appeal Court found guilty but insane and detained in custody.

7: Gt. Brit., Colonial Office G-3 (1949-50) 1951 MM1 Aden MM1
Hadhramaut MM2

ADEN COLONY

Aden Colony also includes Perim Island which is administered by an Administrator who is also the Commissioner of Police, Aden. The population of the island is 381. The majority of the islanders are fishermen, and dried fish is exported to Aden. In the past there has been pearl fishing, but this year no pearl fishing contract was taken. There is a small police detachment in the island together with medical and lighthouse staff.

Up to the end of 1948, Cable & Wireless Ltd. maintained communication with Perim by marine cable. The cable became unserviceable in 1948, and it was decided not to repair it. It is likely that communication will soon be established by wireless. A R.A.F. airplane makes a flight to the island once weekly and carries mail and passengers from Aden.

The Governor of the Colony is also Governor of the Aden Protectorate, which is not administered by the Colony Government. There is no one Government for the Aden Protectorate; various Rulers and Chiefs are in protective treaty relations with His Majesty's Government. In each of the Western and Eastern Protectorates the Governor is represented by a British Agent.

The Protectorate includes the island of Socotra.

The administration of justice within the Colony is entrusted to the Supreme Court, a Court of Small Causes for certain specified civil cases and Magistrates' Courts for criminal cases. The law of the Protectorate is largely tribal custom, but in certain chiefdoms the Shari' a code of Muslim law is recognised, especially in the Qu'aiti State of Shihr and Mukalla (ruled by His Highness Sultan Sir Salih bin Ghalib al Qu'aiti K.C.M.G.), which State legislates by published decrees.

LOCAL GOVERNMENT

There are two local government bodies in the Colony: the larger is known as the Fortress Township Authority and the area governed embraces the Isthmus and Peninsula with a civilian population estimated to be 70,000. This area includes the Military and the R.A.F. establishments. The other is known as Sheikh Othman Township Authority and takes its name from the built-up township of 21,000 persons, all non-Europeans, situated some four miles from the Isthmus. The area governed includes this Township and the remainder of the Colony in which are to be found four small coastal villages whose inhabitants number approximately 2,500.

In 1949 the principle of election was first introduced into the constitution of the Fortress Township Authority, so as to provide three elected members in addition to the existing four nominated official and three nominated unofficial members. In Crater ward there were elections, resulting in the success of one Arab merchant and one Pakistani advocate who was previously a nominated member of the Authority. In the other ward objections were raised against two Arab candidates, who were found not to be of British birth, and a

8:Gt. Brit., Colonial Office G-3 (1951-52)1954 MM1 Aden MM1

000 which provided mainly for the better enforcing of discipline in the Force.

652 The General Loan and Stock Ordinance (No. 20 of 1952), which set out the terms and conditions under which loans may be raised by the Government of Aden Colony under separate legislation and provided for the creation of Aden Colony stock. It is similar in form to legislation passed in other Colonies.

The General Local Loan Ordinance (No. 21 of 1952), which set out the terms and conditions under which loans may be raised locally in the Colony by the issue of debentures by the Government of the Colony under separate legislation. It is similar in form to legislation passed in other Colonies.

The Trustee Investment in Aden Government Securities Ordinance (No. 22 of 1952), which provided safeguards to facilitate the investment of trust and other funds in the United Kingdom in Aden Government securities.

871 The Education Ordinance (No. 23 of 1952), which made provision for control of education in the Colony. This legislation was necessitated by the expansion of both Government and private education.

Chapter 9: Justice, Police and Prisons

JUSTICE

692 Aden Colony has a Supreme Court with unlimited civil and criminal jurisdiction presided over by a Judge of the Supreme Court. Appeals from the Supreme Court are heard by Her Majesty's Court of Appeal for Eastern Africa.

There are subordinate civil and criminal courts. Subordinate civil business is transacted by the Court of Small Causes. This Court is presided over by the Chief Magistrate, who is the Judge of the Small Causes Court, assisted by one of the other two Magistrates as additional Judge. In addition, there are Magistrate's Courts at Crater, Tawahi and Sheikh Othman.

671 The criminal system of law is based on that of India, modified by local ordinances. The Indian Penal Code is in force in the Colony.

691 The commonest type of litigation is that between landlord and tenant under the Aden Rent Restriction Ordinance and the majority of the suits under this head are claims by landlords for possession against their tenants.

674 691 The numbers of the civil and criminal cases filed in the Courts of the Colony during the years 1951 and 1952 were as follows:

Supreme Court

	1951	1952
Original Criminal	3	5
Criminal Appeals	77	123
Criminal Revision	22	15
Original Civil	476	566
Civil Appeals	19	22

A 101 The city of Aden together with the peninsula of Little Aden, the territory of Sheikh Othman, and the Island of Perim thus form a Crown Colony under direct British rule. (5)

A 6421 648 5. The British distinguish between two basic types of colonial administration: direct rule and indirect rule. The former means that the area is administered directly by British colonial officials without any native governmental machinery as is the case in Aden Colony. In the latter case use is made of existing native institutions and many of the actual administrative functions are in the hands of native governments under the control of British colonial officials.

A [101] The islands of Kuria Muria, and Kamaran are also British possessions administered under the control of the Governor of Aden.

This means that no native government whatsoever functions in the area. As a colony, Aden is part of the British national territory and its inhabitants are British subjects. In spite of the transfer of administrative control over Aden to the Colonial Office, the ties with India have not been completely broken. A large amount of British A 692 Indian legislation, which had been made applicable to Aden, continues in force. The judicial organization, moreover, is still closely ● 671 linked with India since appeals from the Aden Supreme Court lie in the High Court in Bombay. In dealing with any legal case centered in Aden, British Indian substantive and procedural laws have, therefore, to be taken into account.

H 642 648 2. The Aden Protectorate. The present organization of the Protectorate is based upon the Aden Protectorate Order in Council of 18 March 1937. (6) Under it the Governor of the Colony is at the

6. S. R. & O. 1937, pp. 750-57; amended 10 July 1940, S. R. & O. 1940, pp. 397-98.

same time Governor of the Protectorate. (7) The functions exercised

H 600 7. A protectorate, even one very closely resembling a colony, is not part of the national territory of the protecting state but